

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	8:07CR346
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
SHARON JOHNSON and	)	
RACHEL LENAGH,	)	
	)	
Defendants.	)	

This matter is before the court on the motion to continue by defendant Sharon Johnson (Johnson) (Filing No. 38). Johnson seeks a continuance of ninety days of the trial of this matter which is scheduled for July 7, 2008. Johnson is undergoing treatment for lung cancer and is unable to travel. Johnson has supported her motion with a medical report by her doctor. Johnson has filed an affidavit wherein she represents that she consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 39). Upon consideration, the motion will be granted. Trial of this matter shall be continued **as to both defendants** as set forth below.

**IT IS ORDERED:**

1. Johnson's motion to continue trial (Filing No. 38) is granted.
2. Trial of this matter **as to both defendants** is re-scheduled for **October 6, 2008**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **June 25, 2008 and October 6, 2008**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendants' counsel require additional time to adequately prepare the case and the defendant is physically unable to stand trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. §§ 3161(h)(4) and (h)(8)(A) & (B).

DATED this 25th day of June, 2008.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge